

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH J. TAGGART : CIVIL ACTION  
: :  
v. : :  
: :  
NORWEST MORTGAGE, INC., et al. : No. 09-1281

ORDER

AND NOW, this 11th day of January, 2010, upon consideration of the defendants' Motion to Dismiss Amended Complaint (Docket No. 10), the plaintiff's Cross-Motion to Dismiss - Plaintiffs Rebuttal (Docket No. 17), and the defendants' reply thereto, IT IS HEREBY ORDERED that the defendants' motion to dismiss is GRANTED in part and DENIED in part, for the reasons stated in a memorandum of law bearing today's date.

1. Counts 1, 3, 4, 7, 15, 16, 17, 19, 20, 21, 22, 27, 32, 33, 34, 36 and 37 of the Amended Complaint are DISMISSED in their entirety. The plaintiff's claims under those counts are dismissed with prejudice.

2. Count 2, 5, 6, 8, 9, 10, 11, 12, 13, 18, 23, 24, 25, 26, 28, 29, 30, 31, 35, 38 and 40 of the Amended Complaint are DISMISSED in their entirety. The plaintiff's claims under those counts are dismissed without prejudice.

3. Count 39 of the Amended Complaint is DISMISSED in part. Only the plaintiff's claims under § 2605(e) (3) remain in that count.

It is further ORDERED that, if the plaintiff wishes to amend his complaint, he shall file his amended complaint with the Court on or before February 11, 2010.

BY THE COURT:

/s/Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.